

REMARKS

In the Office Action of November 14, 2005, the claims were subject to restriction under 35 U.S.C. § 121, and divided into the following inventions:

- I. Claims 1-4, drawn to an absorbent subassembly comprising an elastic member, classified in class 604, subclass 385.24;
- II. Claims 5-26, drawn to an absorbent article, classified in class 604, subclass 358;
- III. Claim 27-48, drawn to a method of making an absorbent article, classified in class 223, subclass 52; and
- IV. Claims 49-53, drawn to a method of supplying first and second elastic portions for making an absorbent articles, classified in class 28, subclass 100.

This restriction requirement is traversed.

The Examiner acknowledges that Inventions I and II are related as a combination and subcombination. However, the Examiner states that the combination does not require the particulars of the subcombination as claimed, particularly the carrier layer.

Applicant notes that new claims 54-57 have been inserted in order to specifically claim the subcombination as part of the overall combination. Accordingly, since the combination and subcombination have been linked in these dependent claims, this aspect of the restriction requirement is no longer operable.

The Examiner also states that the subcombination has utility apart from the combination. However, no specific utility has been cited in the Office Action. Moreover, the new claims now recite that the subcombination is a component of the overall combination. Furthermore, applicant notes that Inventions I and II are located in the same search location, i.e. class 604.

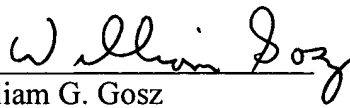
The Examiner also states that Inventions I, II, III and IV are related as processes of making and products made thereby. Again, although the Examiner has alleged that the claims process can be used to make a materially different garment, no specifics have been provided in the Office Action, and this allegation seems conjectural.

The Examiner states that Inventions II and IV are related processes, but that the processes can be used to make different garments.

In order to advance the prosecution of this application, applicant traverses the restriction requirement with respect to Inventions I and II for the reasons stated above. However, in the event that the restriction requirement is adhered to, applicant hereby elects Invention I (claim 5-26) for further prosecution on the merits, this election being made with traverse.

In view of the foregoing, prompt and favorable action on this application is respectfully requested.

Respectfully submitted,

by 
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